

HOUSE BILL NO. 339

INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN INDIVIDUAL WHOSE JOB IS BEING TERMINATED AND WHO IS BEING REQUIRED TO TRAIN A REPLACEMENT MAY LEAVE EMPLOYMENT PRIOR TO THE PROPOSED TERMINATION DATE WITHOUT BEING DISQUALIFIED FROM RECEIVING UNEMPLOYMENT BENEFITS; AND AMENDING SECTION 39-51-2302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-51-2302, MCA, is amended to read:

"39-51-2302. Disqualification for leaving work without good cause. (1) An individual must be disqualified for benefits if the individual has left work without good cause attributable to the individual's employment.

(2) The individual may not be disqualified if the individual leaves:

(a) employment because of personal illness or injury not associated with misconduct upon the advice of a licensed and practicing physician and, after recovering from the illness or injury when recovery is certified by a licensed and practicing physician, the individual returned to and offered service to the individual's employer and the individual's regular or comparable suitable work was not available, as determined by the department, provided the individual is otherwise eligible;

(b) temporary work accepted during a period of unemployment caused by a lack of work with the individual's regular employer if upon leaving the temporary work the individual returned immediately to work for the individual's regular employer, provided that the individual is unemployed for nondisqualifying reasons; ~~or~~

(c) employment because the individual has been notified that the individual's employment is being terminated by the employer and the individual, prior to the termination date, is being required by the employer to train a person as a replacement for the individual's position; or

~~(e)(d)~~ employment because of being called to active military duty to serve in the United States armed forces for a period of less than 6 weeks and the individual upon checking with the employer finds that the individual's prior employment has terminated due to the active military service or for other nondisqualifying reasons. Any benefits paid under this subsection ~~(2)(e)~~ (2)(d) are not chargeable to the employer's account.

(3) If the department determines that an individual is not eligible for benefits under subsection (2)(c), the individual's benefits must commence on the same date as the benefits would have commenced after the termination date established by the employer.

~~(3)~~(4) To requalify for benefits, an individual shall perform services for which remuneration is received equal to or in excess of six times the individual's weekly benefit amount subsequent to the week in which the act causing the disqualification occurred unless the individual has been in regular attendance at an educational institution accredited by the state of Montana for at least 3 consecutive months from the date of the act that caused the disqualification. The services must constitute employment as defined in 39-51-203 and 39-51-204."

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